

Docket No. : KNOXX.024C2
Application No. : 10/789,630
Filing Date : February 27, 2004

Customer No.: 20,995

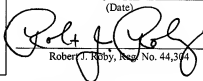
Applicant : Dohn J. Trempala
App. No : 10/789,630
Filed : February 27, 2004
For : LOCKING CAP SYSTEM
Examiner : Suzanne Lale Dino Barrett
Art Unit : 3676

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July 25, 2007

(Date)



Robert J. Roby, Reg. No. 44,394

SUMMARY OF THE CLAIMED SUBJECT MATTER

IN RESPONSE TO THE NOTIFICATION MAILED JUNE 29, 2007

Mail Stop Appeal Brief-Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Non-Compliant Appeal Brief mailed on June 29, 2007 and in accordance with the procedure set forth in M.P.E.P. 1205.03, Appellant submits this paper providing a summary of the claimed subject matter in lieu of an amended appeal brief. Appellant respectfully submits that the prior-filed Appeal Brief contained a concise explanation of the claimed subject matter as required by 37 C.F.R. § 41.37(c)(1)(i), which simply states:

(v) Summary of claimed subject matter. **A concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters.** For each independent claim involved in the appeal and for each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

(emphasis added). Thus, the rule does not explicitly require, nor does the M.P.E.P. provide any basis for a requirement, that the claim actually be mapped to the specification by page and line

number. Appellant therefore submits that the Appeal Brief complied with the wording of the patent rule and with the information relating thereto contained in the M.P.E.P.

Nevertheless, in order to advance the present appeal, Appellant submits the following information, which maps the independent claims to the specification by page and line number or by paragraph number. The following information may use representative portions of the specification and does not intend to map every location in which description can be found. Moreover, the following information should not be interpreted to limit the claims beyond the broadest reasonable interpretation. The following quoted paragraph numbers and line numbers will be with reference to the application as filed rather than the application as published.

Claim 1:

Claim 1 recites:

- a locking cap for a pipe end (*see Fig. 1, element 20; see also paragraphs 0024-0026*)
- the locking cap comprising a face plate (*see Fig. 3A, element 32; see also paragraph 0028, lines 1-2 and paragraph 0048*) and a plug portion (*see Fig. 3A and Fig. 3B, element 30; see also paragraph 0028*)
- the face plate having a front surface (*see Fig. 4, element 86; see also paragraph 0048, lines 3-4*) and a rear surface (*see Fig. 4, element 88; see also paragraph 0048, lines 3-4*)
- the plug portion having a front surface (*see Fig. 4, element 44; see also paragraph 0033, lines 1-3*), a rear surface (*see Fig. 4, element 46; see also paragraph 0033, lines 1-3*) and a side surface (*see Fig. 4, element 49; see also paragraph 0033, lines 1-3 and paragraph 0034*)
- a slot (*see Fig. 3B, element 56; see also paragraph 0037, lines 1-3*) extending longitudinally between the front surface and the rear surface and radially between the side surface and a relief opening (*see Fig. 3B, element 58; see also paragraph 0038*) defined within the plug portion
- a channel (*see Fig. 3A and Fig. 3B, element 62; see also paragraph 0040, lines 1-2*) is defined through the plug portion along the slot

- the plug portion is connected to the face plate with the rear surface of the face plate arranged to substantially face the front surface of the plug portion (*see Fig. 3A*)
- the plug portion is sized and configured to be received by the pipe end with the side surface of the plug portion having a surface area generally coextensive with an inner contacted surface of the pipe end (*see Fig. 3A; see also paragraph 0024, lines 3-5; paragraph 0034, lines 4-5 and paragraph 0036 generally*)
- the channel receiving a longitudinally translatable spreader member (*see Fig. 3A, element 40; see also paragraph 0029, lines 3-13*) wherein at least one surface of the spreader member or the channel is tapered (*see Fig. 3A; see also paragraph 0029 generally*) such that the spreader member and the channel cooperate to expand and retract the plug portion.

Claim 24:

Claim 24 recites:

- A locking cap key (*see Fig. 3A, Fig. 5 and Fig. 6, element 26; see also paragraph 0026, line 6 and paragraph 0052*) for locking and unlocking a locking cap (*see Fig. 1, element 20; see also paragraphs 0024-0026*)
- the key comprising a head (*see Fig. 5, element 100; see also paragraph 0052*) and a handle (*see Fig. 5, element 96; see also paragraph 0052*)
- the head selectively engageable with a related structure (*see Fig. 6, element 112; see also paragraph 0057 generally*) on the locking cap
- the handle being configured to plastically deform when a level of torque exceeds a predetermined level of torque and wherein the key does not require a relief cut (*see paragraph 0053*)

Claim 32:

Claim 32 recites:

- a locking cap for a pipe end (*see Fig. 1, element 20; see also paragraphs 0024-0026*)

- the locking cap comprising a face plate (*see Fig. 3A, element 32; see also paragraph 0028, lines 1-2 and paragraph 0048*) and a plug portion (*see Fig. 3A and Fig. 3B, element 30; see also paragraph 0028*)
- the face plate having a front surface (*see Fig. 4, element 86; see also paragraph 0048, lines 3-4*) and a rear surface (*see Fig. 4, element 88; see also paragraph 0048, lines 3-4*)
- the plug portion having a front surface (*see Fig. 4, element 44; see also paragraph 0033, lines 1-3*), a rear surface (*see Fig. 4, element 46; see also paragraph 0033, lines 1-3*) and a side surface (*see Fig. 4, element 49; see also paragraph 0033, lines 1-3 and paragraph 0034*)
- a slot (*see Fig. 3B, element 56; see also paragraph 0037, lines 1-3*) extending longitudinally between the front surface of the plug portion and the rear surface of the plug portion and radially between the side surface of the plug portion and a relief opening (*see Fig. 3B, element 58; see also paragraph 0038*) defined within the plug portion
- a channel (*see Fig. 3A and Fig. 3B, element 62; see also paragraph 0040, lines 1-2*) defined through the plug portion along the slot and radially displaced from the relief opening
- the plug portion being connected to the face plate with the rear surface of the face plate arranged to substantially face the front surface of the plug portion (*see Fig. 3A*)
- the plug portion sized and configured to be received by the pipe end with the side surface of the plug portion having a surface area generally coextensive with an inner contacted surface of the pipe end (*see Fig. 3A; see also paragraph 0024, lines 3-5; paragraph 0034, lines 4-5 and paragraph 0036 generally*)
- the channel receiving a longitudinally translatable spreader member (*see Fig. 3A, element 40; see also paragraph 0029, lines 3-13*) wherein at least one surface of the spreader member or the channel is tapered (*see Fig. 3A; see also paragraph*

0029 generally) such that the spreader member and the channel cooperate to expand and retract the plug portion

Claim 33:

Claim 33 recites:

- a locking cap for a fire department connection (*see Fig. 1, element 20; see also paragraphs 0024-0026*)
- the fire department connection locking cap comprising a face plate (*see Fig. 3A, element 32; see also paragraph 0028, lines 1-2 and paragraph 0048*) and a plug portion (*see Fig. 3A and Fig. 3B, element 30; see also paragraph 0028*)
- the face plate of the fire department connection locking cap having a front surface (*see Fig. 4, element 86; see also paragraph 0048, lines 3-4*) and a rear surface (*see Fig. 4, element 88; see also paragraph 0048, lines 3-4*)
- the plug portion of the fire department connection locking cap having a front surface (*see Fig. 4, element 44; see also paragraph 0033, lines 1-3*), a rear surface (*see Fig. 4, element 46; see also paragraph 0033, lines 1-3*) and a side surface (*see Fig. 4, element 49; see also paragraph 0033, lines 1-3 and paragraph 0034*)
- a slot (*see Fig. 3B, element 56; see also paragraph 0037, lines 1-3*) extending longitudinally between the front surface and the rear surface and radially between the side surface and a relief opening (*see Fig. 3B, element 58; see also paragraph 0038*) defined within the plug portion
- a channel (*see Fig. 3A and Fig. 3B, element 62; see also paragraph 0040, lines 1-2*) defined through the plug portion along the slot
- the plug portion connected to the face plate with the rear surface of the face plate arranged to substantially face the front surface of the plug portion (*see Fig. 3A*)
- the plug portion of the fire department connection locking cap sized and configured to be received by the pipe end of the fire department connection with the side surface of the plug portion having a surface area generally coextensive with an inner contacted surface of the pipe end of the fire department connection

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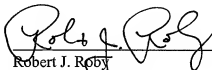
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(see Fig. 3A; see also paragraph 0024, lines 3-5; paragraph 0034, lines 4-5 and paragraph 0036 generally)

- the channel receiving a longitudinally translatable spreader member *(see Fig. 3A, element 40; see also paragraph 0029, lines 3-13)* wherein at least one surface of the spreader member or the channel is tapered *(see Fig. 3A; see also paragraph 0029 generally)* such that the spreader member and the channel cooperate to expand and retract the plug portion.

Respectfully submitted,

Dated: 7.25.2007



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